

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

CLARENCE W. DAVIS,

Plaintiff,

v.

BUFFALO ROCK,

Defendant.

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Civil Action No: 1:17-cv-266-WKW-SMD

RECOMMENDATION OF THE MAGISTRATE JUDGE

On April 28, 2017, Plaintiff filed a complaint (Doc. 1) against his former employer, Buffalo Rock (“Defendant”), alleging that he was “discriminated against because [he] was never given a permanent route” and because “when [he] drove[,] [he] did not get a helper to assist [him] on [his] route.” (Doc. 1) at 2. Plaintiff also filed a Motion for Leave to Proceed *in forma pauperis* (Doc. 2), which was granted by Order (Doc. 7) of this Court on January 22, 2018. In the Order granting Plaintiff’s Motion to Proceed *in forma pauperis*, the United States Magistrate Judge previously assigned to the case directed Plaintiff to file, on or before February 9, 2018, an amended complaint addressing the deficiencies of Plaintiff’s complaint that were raised in the Order. (Doc. 7). Plaintiff was specifically warned that “his failure to file an amended complaint, as ordered, or otherwise to abide by this or any other order of the court, may result in a recommendation that this matter be dismissed.” *Id.* at 6.

Plaintiff has not filed an amended complaint with the Court, and the deadline for Plaintiff to do so passed more than one year ago. Accordingly, it is the RECOMMENDATION of the Magistrate Judge that Plaintiff's Complaint (Doc. 1) be DISMISSED.

Further, it is

ORDERED that Plaintiff is DIRECTED to file any objections to the said Recommendation **on or before April 8, 2019**. Plaintiff must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar Plaintiff from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1; *see Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982); *see also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*). Plaintiff is advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Done this 25th day of March, 2019.

/s/ Stephen M. Doyle
UNITED STATES MAGISTRATE JUDGE